

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:13-CR-6-FL-2

UNITED STATES OF AMERICA

v.

IRESHIA DONTÉ SUMMERS,


Defendant.

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ORDER

This matter is before the court on defendant's motion to vacate for excessive sentence pursuant to 18 U.S.C. § 922(g)(1) (DE 233). The instant motion, raising substantive grounds for challenging defendant's sentence, must be recharacterized as a successive petition attacking his conviction and sentence under 28 U.S.C. § 2255. See Gonzalez v. Crosby, 545 U.S. 524, 531 (2005); United States v. Winestock, 340 F.3d 200, 206-07 (4th Cir. 2003). 28 U.S.C. § 2244(b)(3)(A) provides that before a second or successive habeas corpus application may be filed in the district court, the applicant must move the appropriate court of appeals for an order authorizing the district court to consider the application. Accordingly, defendant's motion is DISMISSED for lack of jurisdiction..

SO ORDERED, this the 1st day of July, 2025.


LOUISE W. FLANAGAN
United States District Judge